

EX PARTE PRESENTATION
EXCLUSIVITY/ELIGIBILITY RULEMAKINGS

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Exclusivity Rulemaking - PR Docket No. 93-35

- o PageMart supports the Commission's proposal to grant exclusivity to PCP operators in the 900 MHz band. Operators who build the requisite transmitters will be rewarded, and future PCP investment will be encouraged.
- o A clarification is needed regarding existing technology, particularly with respect to the widespread use of frequency-agile transmitters in nationwide systems.
 - Nationwide operators should be permitted to count these transmitters toward exclusivity, even though they alternate among more than one frequency, based on network demand.
- o Restrictions on multiple channel applications should be modified to allow operators with frequency-agile systems to apply for more than one frequency for use with these transmitters.
 - Under the current shared-use system, de facto nationwide operators have applied for additional frequencies in order to meet competitive marketplace demands. Any de jure exclusivity system must incorporate these requirements.
- o The grandfathering provisions should be clarified to prevent speculation and to avoid conflict among local, regional and nationwide systems.
 - Speculators could blackmail regional and nationwide systems by applying for licenses on frequencies used in other markets by larger systems, blocking expansion unless the larger operator agreed to buy out the speculator.
 - Local or regional licensees holding frequencies used by nationwide systems should be required to relocate, or to share frequencies if their systems have already been built.

Eligibility Rulemaking - PR Docket No. 93-38

- o PageMart supports the Commission's proposal to make individuals without business purpose eligible to use PCP services, along with currently eligible users.
- o Current eligibility distinctions deprive non-business consumers of the benefits of competition, including reduced prices and innovative services. This is particularly unfortunate because consumer use of pagers represents the most important factor in the growth of paging services.

Pursuant to 47 C.F.R. § 1.1206(a)(1), two copies of this document have been submitted to the Secretary of the Federal Communications Commission